



PROFESSIONAL & TECHNICAL ENGINEERS, LOCAL 21, AFL-CIO

An Organization of Professional, Technical, and Administrative Employees

Sent via E-mail

July 25, 2014

Marco Mercado, Assistant to the City Manager
City of San Jose
200 East Santa Clara Street
San Jose, CA 95113

Re: Information Request

Dear Mr. Mercado,

This confirms that IFPTE Local 21 does not support placement of the City's proposed single issue charter amendment on the November 2014 ballot regarding Section 1508-A. The proposal does not resolve the universe of problems created by Measure B's radical and unlawful changes to benefits under the Federated Retirement Plan which, along with drastic reductions in compensation, has spurred Local 21-represented employees to leave employment with the City of San Jose. Therefore, this proposal does nothing to address the crisis in the provision of city services to taxpayers resulting from the loss of experienced and core Local 21 Members.

Moreover, as discussed at our meeting July 24, 2014, Local 21 makes the following information requests, all of which arise from and in bargaining over the City's proposed charter amendment:

1. How many Local 21-represented Bargaining Unit employees under Tier 1 of the Federated Retirement Plan have left, and then returned to City employment as Tier 2 covered plan participants?
2. You stated that the City's Employee Relations Office does not perform exit interviews of employees, but that individual departments or divisions might do so. Please identify those departments/divisions with Local 21-represented employees who perform exit interviews, and please provide copies of those interviews for all employees who have left employment since June 1, 2012, to present.
3. You stated that you "anticipate" that as proposed, the change to Section 1508-A would be retroactive for any Tier 1 member who left employment and has since returned to employment as a Tier 2 member. Please confirm that is in fact the case; and further, please confirm that this provides that employees who have left and returned will be permitted to redeposit contributions withdrawn at the time of severance of employment as a Tier 1 member. As discussed, please provide a chart summarizing the impact of this proposal on employees who left as Tier 1 members and either have or could return to employment, with or without having withdrawn deposited contributions, with and without five (5) years of service credit in the Federated Plan.
4. Please confirm that CalPERS cognizes the Tier 2 plan as a "qualified" plan subject to reciprocity under the agreement between CalPERS and the Federated Plan, especially given the provisions of Measure B, Section 1508-A, subdivision (h) that "[n]o plan subject to this section shall create a vested right to any benefit."

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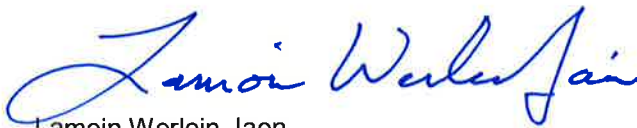
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5. Please confirm that in formulating this proposal, the City did not review or consider the disability and return to employment provisions of retirement plans in effect for other municipal or public agencies in California.
6. As indicated, Local 21 shares the same concerns as labor organizations representing sworn employees of San Jose regarding the changes wrought to the definition and provision of disability retirement benefits by Measure B, Section 1509-A. Many Local 21-represented employees are subject to similar dangerous conditions of employment as sworn employees, e.g., maintenance employees working on heavily trafficked locations. The City's proposal does nothing to address the inequities imposed by Measure B, Section 1509-A in comparison to the definition, qualification and provision of disability retirement benefits in place in literally every other public agency jurisdiction in the state that provides such benefits.

Upon receipt of the requested information, Local 21 would like to meet again to discuss alternatives to the charter amendment as currently proposed by the City.

Sincerely,



Lamoin Werlein-Jaen
IFPTE Local 21 Senior Staff

Cc: John Mukhar, Kara Capaldo, Steve Contreras
Chris Platten, Esq.
Alex Gurza